



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,688	01/14/2004	Lisa S. Purvis	D/A3267 (1508/3940)	4094
	7590 10/18/2007		EXAMINER	
Gunnar G. Leinberg, Esq. Nixon Peabody LLP Clinton Square P.O. Box 31051 Rochester, NY 14603-1051			TSUI, WILSON W	
			ART UNIT	PAPER NUMBER
			2178	
			MAIL DATE	DELIVERY MODE
			10/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

D

Office Action Summary	Application No. 10/757,688	Applicant(s) PURVIS ET AL.	
	Examiner Wilson Tsui	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 July 2007.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

Art Unit: 2178

DETAILED ACTION

1. This action is in response to the appeal filed on: 07/16/2007.
2. Claims 1-26 are pending. Claims 1, 9, and 18 are independent claims.
3. With regards to claims 1-3, 5, 9-12, 14, 16, 18-21, 23, and 25 rejected under 35 U.S.C. 103(a) as being unpatentable Hind et al over in further view of Zlotnick, Claims 4, 13, and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al and Zlotnick in further view of Brown et al, and Claims 6 – 8, 15, 17, 24, and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Hind et al and Zlotnick in further view of Wanderksi et al; they are withdrawn, in view of applicant arguments.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-7, 9-11, 13-16, 18-20, 22-25 rejected under 35 U.S.C. 102(b) as being anticipated by Lopresti et al (US Patent: 6047093, issued: Apr. 4, 2000, filed: Aug. 20, 1997).

With regards to claim 1, Lopresti et al teaches: *A comparison system that compares one or more elements of at least a portion of an original document against the same types of elements in at least a portion each of a plurality of stored documents* (Abstract: whereas, an original document is the scanned electronic version of the document, and portions of the original document are compared against the same types

Art Unit: 2178

of elements (types such as layout, font characterization, column 7, lines 20-34, and column 8, lines 1-6) , through certificate data documents stored in the hard copy of the scanned document (column 7, lines 50-57).

A determination system that identifies the stored document with the portion which is closest to the portion of the original document based on the comparing (column 7, lines 1-15, column 7, lines 34-67, Figure 6: whereas, the stored certificate is compared to the corresponding portion of scanned certificate data (from generated marker) of the scanned electronic version of the document).

A mutation system that applies one or more mutators to the portion of the original document which were applied to mutate the portion of the identified stored document (column 7, lines 1-33: whereas the scanned electronic version of the document has mutators applied to it, to match the portion of stored document/certificate that was applied to the stored version).

With regards to claim 2, which depends on claim 1, Lopresti et al teaches *the system further comprising a selection system that selects the portion of the original document for comparing* (Figure 6, column 7, lines 1-33: whereas, the certificate information for a particular portion of the scanned electronic document (from the generated marker), is used to compare against the stored certificate of the same portion, and thus region/portion selection is implemented.

Art Unit: 2178

With regards to claim 4, which depends on claim 1, Lopresti et al teaches *further comprising an ordering system that determines an order for the mutation system to apply the mutators to the original document* (column 7, lines 25-37: whereas,)

With regards to claim 5, which depends on claim 1, Lopresti et al teaches *further comprising an application system that determines which one of the one or more mutators which were used in the portion of the identified stored document are to be used by the mutation system on the original document* (column 7, lines 65-67, column 8, lines 1-14)

With regards to claim 6, which depends on claim 1, Lopresti et al teaches *further comprising an output system which outputs the original document after application of the mutators* (column 7, lines 30-33)

With regards to claim 7, which depends on claim 6, Lopresti et al teaches
However, Lopresti et al does not teach a system further comprising *an identification system that identifies the output system* (output system is represented by marker data), *wherein one of the elements used in the comparison system is the identified output system against the output system used for each of the stored documents* (whereas, the marker data of is compared against the same type of marker data that is generated) *and wherein the determination system uses the comparison of the identified output system*

Art Unit: 2178

against an output system used for each of the stored documents in identifying the stored document with the portion which is closest to the portion of the original document (whereas, the marker data, which includes certifying data values is compared against certified values of a generated page (column 7, lines 24-28), with respect to portion/regions (Fig. 6)).

With regards to claim 9, for performing a method similar to the method performed by the system of claim 1, is rejected under similar rationale.

With regards to claim 10, for performing a method similar to the method performed by the system of claim 1, is rejected under similar rationale.

With regards to claim 11, which depends on claim 9, for performing a method similar to the method performed by the system of claim 2, is rejected under similar rationale.

With regards to claim 13, which depends on claim 9, for performing a method similar to the method performed by the system of claim 4, is rejected under similar rationale.

Art Unit: 2178

With regards to claim 14, which depends on claim 9, for performing a method similar to the method performed by the system of claim 5 is rejected under similar rationale.

With regards to claim 15, which depends on claim 9, for performing a method similar to the method performed by the system of claim 6, is rejected under similar rationale.

With regards to claim 16, which depends on claim 9, for performing a method similar to the method performed by the system of claim 7, is rejected under similar rationale.

With regards to claim 18, for a computer readable medium, performing a method similar to the method performed by the system of claim 1, is rejected under similar rationale.

With regards to claim 19, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the system of claim 1, is rejected under similar rationale.

Art Unit: 2178

With regards to claim 20, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the system of claim 2, is rejected under similar rationale.

With regards to claim 22, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the system of claim 4, is rejected under similar rationale.

With regards to claim 23, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the system of claim 5, is rejected under similar rationale.

With regards to claim 24, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the system of claim 6, is rejected under similar rationale.

With regards to claim 25, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the system of claim 7, is rejected under similar rationale.

Claim Rejections - 35 USC § 103

Art Unit: 2178

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 12, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti et al (US Patent: 6047093, issued: Apr. 4, 2000, filed: Aug. 20, 1997), in view of Zlotnick (US Patent: 6,778,703 B1, issued: Aug. 17, 2004, filed: Apr. 19, 2000).

With regards to claim 3, which depends on claim 1, Lopresti et al teaches wherein the determination system further comprises a comparison system that compares a portion of the original document against each of the portions of the plurality of stored documents, as similarly explained in the rejection for claim 1. *However, Lopresti et al does not expressly teach a scoring system that generates a score for each of the comparisons of the portion of the original document against each of the portions of each of the plurality of stored documents, wherein the determination system identifies the stored document with the portion with the score which is closest to the portion of the original based on the generated scores.*

Zlotnick teaches a determination system further comprises a scoring system that generates a score for *each of the comparisons of the portion of the original document against each of the portions of each of the plurality of stored documents, wherein the determination system identifies the stored document with the portion with the score which is closest to the portion of the original based on the generated scores* (column 2,

Art Unit: 2178

lines 38-45: whereas, the 'current'/original document/template is, being compared to other document/templates, and a stored document/template is selected based on the closes matching score).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Lopresti et al's determination system such that it would have included a comparison ranking system for selection of the closest matched stored document as taught by Zlotnick. The combination of Lopresti et al and Zlotnick would have allowed Lopresti et al's system to have "provided improved methods for automatically identifying which of a plurality of templates (documents) corresponds to a given form document" (Zlotnick, column 2, lines 10-14).

With regards to claim 12, which depends on claim 9, for performing a method similar to the method performed by the system of claim 3, is rejected under similar rationale.

With regards to claim 21, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the system of claim 3, is rejected under similar rationale.

6. Claims 8, 17, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopresti et al (US Patent: 6047093, issued: Apr. 4, 2000, filed: Aug. 20, 1997), in view of Wanderski et al (US Patent: 6519617 B1, issued: Feb. 11, 2003, filed: Apr. 8, 1999)

Art Unit: 2178

With regards to claim 8, which depends on claim 1, Lopresti et al does not expressly teach *further comprising storing the output, original document with the applied mutators as one of the stored documents.*

However, Wanderski et al teaches a system comprising storing the output, original document with the applied mutators as one of the stored documents (column 14, lines 48-52: whereas, the DTD contains one or more mutators for the document, and the generated output can be stored for later processing).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to have modified Lopresti et al's system to have further included the ability to store the output as one of the stored documents as taught by Wanderski et al. The combination of Lopresti et al and Wanderski et al would have allowed Lopresti et al's system to have "automatically transformed documents using dynamically –selected transformations" (Wanderski et al, column 4, lines 13-14).

With regards to claim 17, which depends on claim 9, for performing a method similar to the method performed by the system of claim 8, is rejected under similar rationale.

With regards to claim 26, which depends on claim 18, for a computer readable medium, performing a method similar to the method performed by the system of claim 8, is rejected under similar rationale.

Response to Arguments

7. In view of the appeal brief filed on: 07/16/2007, PROSECUTION IS HEREBY REOPENED (with SPE approval). New grounds of rejection are set forth above.

To avoid abandonment of this application, appellant must exercise one of the following two options:

(1) File a reply under 37 CFG 1.111 (if this Office action is non-final) or a reply under 37 CFG 1.113 (if this Office action is final); or

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131, or 1.132) or other evidence are permitted. See 37 CFG 1.193(b)(2).

8. The applicant's argument with respect to Hind et al. does not teach any same "creation/save" mutator to an original document which was applied to an XSL style sheet; is persuasive (page 8, first paragraph), and the applicant is respectfully directed to the new grounds of rejection explained above.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wilson Tsui whose telephone number is (571)272-7596. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

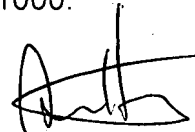
Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W. T.

10/3/07

Wilson Tsui
Patent Examiner
Art Unit: 2178
October 3, 2007



STEPHEN HONG
SUPERVISORY PATENT EXAMINER